

UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION N	O. FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/646,089		02/01/2001	Pamela Boujra	67190/984046	3756	
26646	7590	09/06/2002				
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	DADWAY RK, NY 10	004		RODRIGUEZ, ISABEL		
				ART UNIT	PAPER NUMBER	
			,	2836		
			DATE MAILED: 09/06/2002			

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Splitcant(s) Og/646,089 BOUJNA ET AL.									
Examiner sabet Rodriguez 2836		Application	No.	(pplicant(s)	7				
Isabel Rodriguez 2836		09/646,089							
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Lettersions of time may be available under the provisions of 3 CFR 1.18(e). In or evert, however, may a reply be timely filled after 50 (t) MONTHS from the imaging date of the communication. Lettersions of time may be available under the provisions of 3 CFR 1.18(e). In or evert, however, may a reply be timely filled after 50 (t) MONTHS from the mailing date of the communication. In No period to reply is specified about, the maximum statelory period will apply and will epite 50 (t) MONTHS from the mailing date of the communication February within the statutory within the statutory period will apply and will epite 50 (t) MONTHS from the mailing date of this communication. Failure to reply within the state or extended period for reply will, by statuto, past will be past and stately within the state one provision of the communication of	. Office Action Summary	Examiner		Art Unit					
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THE MAILING DATE OF THIS COMMUNICATION. - Extensions of me may be available under the provisions of 3° CR1 1.13(do). In or event, however, may a reply be timely filed after SS (c) MONTH's from the mailing date of this communication. - It No prince for reply is specified above, the maximus tablory perior within the studeov minimum of thiny (30) days will be considered timely. - It No prince for reply is specified above, the maximus tablory perior value pays and velocity as (50) MONTH's from the mailing date of this communication. - Palave to reply within the set or extended perior for reply will, by stable, cause the application to become ARANDONED (35 U.S. £ \$133). - Any reply received by the Official acid hos the three membranes are the mailing date of this communication, event if limitly filed, may reduce any arrange plant term subjects to the specification is accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Status 1)		ears on the c	over sneet with the C	orrespondence ad	uress				
1) Responsive to communication(s) filed on 12 March 1999 . 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 10-18 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) Claim(s) 10-18 is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 12 March 1999 is/are: a) accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) □ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received in Application No. □ . 3. ☑ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) □ The translation of the foreign language provisional application has been received. 15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). 10 □ Notice of References Cited (PTO-82). 11 □ Interview Sum	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
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	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	:	Notice of Informal						

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DETAILED ACTION

Claim Objections

1. Claim 17 is objected to because of the following informalities: instead of "indication" it should be "indicating". Appropriate correction is required.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable by Dvorak et al. (US 5,825,643) in view of Durivage III (US 5,038,246).
- a) Regarding claims 10-12 and 14, Dvorak et al. discloses an electronic tripping device for low-voltage circuit breakers comprising: adjusting devices (Fig. 3) for tripping devices and adjusting elements, being three key switches (52,56,58), and display element, being a numeric LCD element (13 and Fig.19), cooperating with the adjusting devices and mounted on at an operating face of the tripping device. The first key switch that selects a desired entry key (56), a second key that provides calibration and a third key switch activates the display fields in an absence of auxiliary power (52). See col. 3 lines 54-57. Dvorak et al. does not show an LCD for every element. Durivage III shows multiple LCDs for the different elements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have

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multiple LCD elements to show more than one quantity at the same time. Although he shows only one LCD, it can be set to show each element. To show a different LCD for each element would be mere duplication of parts. It has been held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

- b) Regarding claim 13, Dvorak shows an electronic tripping device in which the displays are numeric and not bar displays. Durivage III shows an electronic tripping device display (Fig. 3a) consisting of bar displays (324, 332-335). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use bar displays because it provides a visual link between the numeric value and the actual quantity so it provides for a better visualization.
- c) Regarding claims 15 and 16, Dvorak shows a tripping device but does not disclose the displays to be bar displays. In the case it were included using the rationale disclosed above, Durivage III shows a scale (332-335) arranged next to the bar displays. See col.6 lines 50-54. It is inherent that the scaling displays (332-335) will have a visual identification next to the bar displays to identify the quantities.
- d) Regarding claim 17, Durivage III shows a scale but does not specify if the upper end of the bar indicating a value to be adjusted at the scale. The court has held that adjustability, where needed, is not a patentable advance. In re Stevens, 212 F.2d 197, 101 USPQ 284 (CCPA 1954)
- 4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable by Dvorak et al. in view of Durivage III in further view of applicant's admitted prior art. Dvorak et al in view of Durivage III discloses an electronic tripping device with an LCD display but does not specify

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that it permanently displays the information to be displayed without supply of energy subsequent

to reading the information to the LCD elements. Applicant's prior art discloses that this type of

LCD is available to public sale and use. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to use such an LCD to be able to read the last readings

of the device in the event of a power outage.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Isabel Rodriguez whose telephone number is 703-305-4761. The

examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Sircus can be reached on 703-308-3119. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-308-7724 for regular

communications and 703-308-7704 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-308-0956.

 $\mathbb{I}\mathbb{R}$

September 3, 2002

KIM HUYNH

89/04/02

PRIMARY EXAMINER